

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIAM JOSEPH WEBB, JR.,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 07-031-GMS
)	
FIRST CORRECTIONAL MEDICAL,)	JURY TRIAL REQUESTED
et al.,)	
)	
Defendants.)	

**STATE DEFENDANT’S OPPOSITION
TO PLAINTIFF’S MOTION FOR SANCTIONS**

Defendant Stan Taylor, through undersigned counsel, hereby responds to Plaintiff’s *Motion for Sanctions* and moves this Honorable Court to deny Plaintiff’s request. In furtherance of this position, counsel represents as follows:

1. On or about April 15, 2008, Plaintiff William J. Webb, Jr. (“Webb”), an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware (“DCC”) filed a *Motion for Sactions* [sic] against counsel for Defendant Stan Taylor. D.I.101. Webb alleges that counsel “in numerous responses to motions filed by Plaintiff has presented false and misleading statements.” *Id.* Specifically, Webb claims that Defendant’s *Response to Plaintiff’s Motion for Compulsory Physical and Mental Health Examination* and other filings made by counsel contain “outrageous” and false statements. *Id.* As these are adversarial proceedings, it is expected that the parties may not agree on the facts. Having stated such, there is no basis for sanctions.

2. It appears that Webb takes issue with defense counsel’s assertion that Webb has put his mental competency at issue when he requested a Rule 35 mental health

evaluation of himself. D.I.95. Webb also put his mental health at issue through the factual allegations he presented in his Complaint and Motion for Preliminary Injunction. D.I.2, 71. Moreover, throughout these proceedings, Webb has made statements that would lead one to question his mental health, such as: “[I am] suffering emotional distress.....and [I] will have to protect [my]self by killing all those responsible for these actions” (D.I.56), and “Plaintiff will kill if he does not receive [a fair trial]” (D.I.57). These are not statements made by a reasonable person acting in accord with societal norms. Furthermore, these statements have no place in court filings, reflecting at the very least upon Webb’s judgment and mental stability.

3. Although Webb states that false and misleading statements were made by defense counsel in her “numerous” filings, he fails to demonstrate any support for those claims. Counsel’s discussion of Webb’s mental competency was a direct result of Webb’s Rule 35 motion, an issue Webb wished to litigate. Now that Webb realizes the implications of the allegations he raised against himself, he now tries to prevent counsel from raising these logical implications and conclusions to the Court.

4. Webb further alleges that counsel made the “false statement” that Plaintiff “has been in SHU for the past 3 years” in D.I.83. Counsel did not make this statement.

5. Webb’s motion for sanctions is baseless, not made in good faith and should be denied. A proposed form of order is attached.

WHEREFORE, based upon the reasons set forth above, counsel for Defendant Stan Taylor respectfully requests that the motion be denied.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Catherine Damavandi

Catherine Damavandi, ID#3823
Deputy Attorney General
Department of Justice
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302) 577-8400

Dated: May 15, 2008

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2008 I electronically filed *State Defendant's Opposition to Plaintiff's Motion for Sanctions* with the Clerk of Court using CM/ECF, which will send notification to the following:

Ryan M. Ernst, Esq. thernst@mooclaw.com
Eileen M. Ford, Esq. eford@mooclaw.com
Megan Trocki Mantzavinos, Esq. mmantzavinos@mooclaw.com

I further certify that on May 15, 2008, I caused the within document to be mailed to the following non-registered participant by United States Postal Service:

William J. Webb, Jr., SBI#256056
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Catherine Damavandi
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Department of Justice
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Attorney for Defendant Stan Taylor

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ORDER

Upon review of Plaintiff William J. Webb's *Motion For Sanctions* and State Defendant's *Response in Opposition to Plaintiff's Motion*; and it appearing that good and sufficient notice of Plaintiff's Motion and State Defendant counsel's Response has been given; and after due deliberation thereon:

IT IS HEREBY ORDERED that Plaintiff William J. Webb's Motion is **DENIED**.

SO ORDERED this _____ day of _____, 2008.

The Honorable Gregory M. Sleet, Chief Judge
United States District Court